

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**SHERRI SCHULTHEIS, DIANE REED,
and KATHERINE WHEELER,**

Plaintiffs,

v.

**COMMUNITY HEALTH SYSTEMS, INC.,
a Delaware Corporation and MARION
HOSPITAL CORPORATION, d/b/a HEARTLAND
REGIONAL MEDICAL CENTER,**

Defendants.

No. 11-0435-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

Now before the Court is Community Health System Inc.'s motion to stay discovery pending ruling and motion to stay discovery in the event interlocutory appeal relief obtains (Doc. 41). Specifically, Community Health System Inc. contends that postponing discovery until either the motion to reconsider is decided or in the event the Court grants certification for interlocutory appeal will conserve both judicial and party resources. Plaintiffs oppose the motion (Doc. 46). Based on the following, the Court denies the motion to stay discovery.

A movant does not have an absolute right to a stay. Instead, the movant bears the burden of proof to show that the Court should exercise its discretion in staying the case. *Indiana State Police Pension Trust v. Chrysler, LLC*, — U.S.—, 129 S. Ct. 2275, 2277 (2009). District courts have extremely broad discretion in controlling

discovery. See *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998); *Patterson v. Avery Dennison Corp.*, 281 F.3d 676, 681 (7th Cir. 2002). The Court has discretion under Federal Rule of Civil Procedure 26 to limit the scope of discovery or to order that discovery be conducted in a particular sequence. *Britton, supra*. Limitation or postponement of discovery may be appropriate when a defendant files a motion to dismiss for failure to state a claim on which relief can be granted, although the mere filing of the motion does not automatically stay discovery. *SK Hand Tool Corp. v. Dresser Industries, Inc.*, 852 F.2d 936, 945 (7th Cir. 1988).

Here, the Court finds that Community Health Systems, Inc. has not met its burden regarding a stay of discovery as the circumstances of the case do not warrant a stay. The Court cannot presume that Community Health Systems, Inc.'s requests will be granted or that interlocutory relief will be obtained. A stay only will delay the litigation.

Accordingly, the Court **DENIES** defendants' motion to stay discovery (Doc. 41).

IT IS SO ORDERED.

Signed this 4th day of April, 2012

 David R. Herndon
2012.04.04
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**Chief Judge
United States District Court**